

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-cr-21-PP

vs.

SAMY M. HAMZEH,

Defendant.

MOTION TO MODIFY CONDITIONS OF BOND

Samy Hamzeh, by counsel, moves this Court for an order modifying his bond to remove his curfew condition. This modification is appropriate in light of Mr. Hamzeh's continued exemplary conduct while on pretrial release and is consistent with the statutory directive that defendants released on bond should be subject to the least restrictive conditions that "will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(c)(1)(B).

In further support of this motion, Hamzeh invites the Court's attention to the following circumstances:

1. After 2 1/2 years of pretrial confinement, Hamzeh was ordered released on bond on July 27, 2018. Since then he has complied with all conditions of release.

2. On August 23, 2019, the Court reduced Hamzeh's home confinement condition to curfew status, which allows Hamzeh to be out of the home from 7:00 a.m. to 9:00 p.m. He also is on GPS monitoring.

3. In addition to abiding by his conditions of release, Hamzeh has been gainfully employed since his release from custody nearly 17 months ago.

4. On October 22, 2019, the day before trial was to begin, the government filed an interlocutory appeal. As a result, the trial is unlikely to take place for many months and perhaps a year or more from now. For nearly four years, Hamzeh has been subject to pretrial custody or stringent bail conditions, although he is presumed innocent and has no prior criminal convictions.

5. As noted above, § 3142(c)(1)(B) provides that defendants released pretrial should be subject to the least restrictive conditions that will reasonably assure their appearance and the safety of others and the community. Hamzeh's exemplary conduct on pretrial release continues to demonstrate that he will abide by his conditions of release, that he has no desire to flee, and that he is committed to being a productive member of the community who does not pose a danger to the public.

6. Further reducing the severity of Hamzeh's conditions of pretrial release is consistent with the policy in this district of gradually reducing bond conditions for defendants who demonstrate good conduct and serves as an incentive to Hamzeh and others to abide by pretrial release conditions.

7. Elimination of the curfew condition will allow Hamzeh more flexibility to visit and assist his parents as his father has health issues, occasionally stay at his parents' home, attend early morning prayers, or have a leisurely late dinner.

Accordingly, Hamzeh requests a hearing on this motion and an order eliminating curfew as a condition of his pretrial release.

Dated at Milwaukee, Wisconsin this 19th day of December, 2019.

Respectfully submitted,

/s/ Craig W. Albee
Craig W. Albee, WI State #1015752
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